



GOVERNMENT OF KERALA
1968

Reg. No. K. 107



KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIII] Trivandrum, Friday, 16th August 1968 [No. 185
25th Sravana 1890

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PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1968.

THE KERALA UNIVERSITY BILL, 1967.

(Report of the Select Committee).

The Select Committee to which the Kerala University Bill was referred have considered the Bill clause by clause and now submit this, their Report with the Bill as reported by the Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated the 23rd July 1967. The Bill was introduced in the Assembly on the 1st August, 1967 and the motion for reference to a Select Committee was adopted on the 2nd August 1967.

3. The Committee held 29 sittings inside the State of which eight sittings (two days each at Calicut, Kottayam, and Trivandrum and one day each at Trichur and Ernakulam) were entirely devoted to the recording of evidence from representatives of Educational Institutions and Managements, Teachers' Associations, Members of Senate and Syndicate and the persons interested on the subject.

4. The Committee also undertook a study tour outside the State from 3rd December 1967 to 15th December 1967. The Committee visited the Universities of Bangalore, Osmania, Madras and Annamalai and held discussions with the Vice-Chancellors and Officials of these Universities.

5. The Changes proposed by the Committee and the reasons therefor are set out in the following paragraphs.

6. *Preamble.*—The Committee consider that the preamble is very lengthy and that such a lengthy preamble is not necessary. The Committee are also of the view that there should be no federal constituents within the University.

The Preamble has been modified for the above purposes.

7. *Clause 2:*

(i) *New Sub-clause (8).*—The Committee consider that the expression "educational agency" should be defined. A new sub-clause has been inserted for this purpose.

(ii) *New sub-clause (15).*—The Committee have inserted a new sub-clause (15) for defining the expression "Pro-Vice-Chancellor". The definition is consequential to the new clause 11.

(iii) *Sub-clause (24) (Original sub-clause (22)).*—The Committee are of the view that 'Principals' should also be included within the definition of "teacher". The Committee also consider that only persons whose appointment has been approved by the University should be considered as teachers.

The sub-clause has been modified for the above purposes.

(iv) *New sub-clause (28).*—The Committee think that the expression "Vice-Chancellor" should be defined. Accordingly, a new sub-clause has been inserted by the Committee.

8. *Clause 5.*—

(a) *Sub-clause (xii).*—This sub-clause empowers the University to regulate the emoluments and prescribe the duties and conditions of service of teachers and other employees in private colleges, subject to the prior approval of Government. The Committee consider that prior approval of the Government is not necessary in the matter in view of the new Chapter VIII regarding service conditions of teachers and other employees in private colleges, proposed by the Committee. The sub-clause has been modified for this purpose.

(b) *Sub-clause (xiii).*—This sub-clause empowers the University, subject to the prior approval of the Government, to affiliate to itself colleges in accordance with the conditions to be prescribed in the Statutes, Ordinances and Regulations. The Committee are of the view that prior approval of the Government is not necessary in this matter also. The sub-clause has been modified accordingly.

(c) *Proviso.*—According to the proviso to clause 5, prior approval of the Government shall be obtained in respect of the creation of certain posts and in respect of certain schemes. The Committee feel that prior approval of the Government is not necessary and that it would be sufficient to provide for the consultation with the Government in such matters. The proviso has been modified for the above purpose.

9. *Chapter III.*—The Committee think that it would not be proper to include the Chancellor and the Pro-Chancellor among officers of the University. The Committee have accordingly modified the heading of Chapter III and have also re-arranged clauses 7 to 9.

10. *Clause 7 (Original Clause 8).*—

(i) *Sub-clause (6).*—The Committee are of the view that an appeal shall lie to the Chancellor only from orders of dismissal passed by the Vice-Chancellor. The sub-clause has been modified for this purpose.

(ii) *Sub-clause (9).*—According to the proviso to this sub-clause, the enquiry into charges of misappropriation or mismanagement of funds by the Vice-Chancellor has to be conducted by a person who is or has been a Judge of the High Court. The Committee consider that provision should be made enabling the appointment of a person who is or has been a Judge of the Supreme Court also for such enquiry. The proviso has been modified for this purpose.

11. *Clause 8 (Original clause 9), Sub-clause (2).—*

The Committee feel that the Pro-Chancellor should not be burdened with the work of inspecting colleges and other institutions. The sub-clause has been modified accordingly.

12. *Clause 9 (Original clause 7).—*

(i) The Committee have omitted original items (i) and (ii) relating to the Chancellor and the Pro-Chancellor. This change is consequential to the exclusion of the Chancellor and the Pro-Chancellor from among the officers of the University.

(ii) The Committee have also included the Pro-Vice-Chancellor among the Officers of the University. This change is consequential to the new clause 11 proposed by the Committee.

13. *Clause 10.—(i) Sub-clause (2).—*

This sub-clause provides that in case the Committee appointed for the selection of the Vice-Chancellor is unable to recommend a name unanimously each member may submit not more than two names to the Chancellor. The Committee think that it would be sufficient to provide for submitting one name by each of the members. The sub-clause has been modified accordingly.

(ii) *Original sub-clause (3).—*

This sub-clause provides that no Government servant shall be eligible for appointment as Vice-Chancellor. The Committee consider that such a restriction is not necessary. The sub-clause has therefore been omitted.

(iii) *Sub-clause (3) Original sub-clause (4).—*The Committee are of the view that the term of office of the Vice-Chancellor should be four years instead of five years as provided in this sub-clause. The sub-clause has been modified for this purpose.

(iv) *Original sub-clause (7).—*This sub-clause empowers the Chancellor to make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor in the event of any temporary vacancy in the office of Vice-Chancellor. The Committee feel that such a provision is not necessary. The sub-clause has therefore been omitted.

14. *New clause 11.—*The Committee are of the view that there should be provision for the appointment of a Pro-Vice Chancellor if the Chancellor considers it necessary for the more efficient functioning of the University. A new clause has been inserted for this purpose.

15. *Clause 12 (Original clause 11), sub-clause (4).—*According to this sub-clause, the Registrar shall have power to appoint, suspend, dismiss or otherwise punish any employee in the University

Office whose pay or maximum pay does not exceed two hundred rupees. The Committee think that in view of the revision of pay scales of the employees, the limit should be enhanced to two hundred and fifty rupees. The sub-clause has been modified for this purpose.

16. *Clause 15 (Original clause 14).—*

(i) The Committee consider that the Pro-Chancellor and the Pro-Vice Chancellor should also be Ex-Officio members of the Senate. The Committee also feel that instead of specifying the Government Officers who should represent the Government in the Senate, it would be sufficient to provide for the total number of such officers. Necessary modification for this purpose has been made.

(ii) The Committee are of the view that the academic and nonacademic elements in the senate have to be given some what equal representation and that all the wings of the Academic branch should also be represented in the Senate. To achieve this objective the numbers of representatives from the various categories in the Senate have been revised by the Committee.

(iii) The Committee consider that there should be provision for nominating four headmasters of high schools by the Chancellor. The Committee also consider that journalists should also be given representation in the Senate. Necessary modifications have been made for the above purposes.

17. *Clause 16 (Original Clause 15).—*

According to sub-clause (1), the Senate shall be re-constituted every five years. The Committee are of the view that the Senate should be re-constituted every four years. The sub-clause has been modified accordingly.

18. *Clause 17 (Original clause 16).—*

(i) *New Sub-clause (1).—*The Committee consider that the Senate should be the supreme authority of the University having power to review the actions of the Syndicate and the Academic Council. The new sub-clause has been inserted for this purpose.

(ii) *Sub-clause (2).—*In view of the suggestion of the Committee to make the Senate the supreme authority of the University, it is considered necessary to invest the body with certain powers hitherto exercised by the syndicate. New items (d) to (h) have accordingly been incorporated in sub-clause (2).

19. *Clause 18 (Original clause 17).—*

(i) *Sub-clause (1).—*According to this sub-clause, the Senate shall meet at least twice a year. The Committee consider that the Senate should meet at least once in four months. The sub-clause has been modified accordingly.

(ii) *Sub-clause (3).*—According to this sub-clause, the Vice-Chancellor is to convene a special meeting of the Senate on a requisition in writing signed by not less than one-third of total number of members of the Senate. The Committee feel that this number should be reduced to one-fourth of the total number of members. The sub-clause has been modified for this purpose.

20. *Clause 19 (Original clause 18).*—

(i) *Class I—Ex-Officio Members.*—The Committee are of the view that the Pro-Vice-Chancellor should be an *Ex-Officio* member of the syndicate. The Committee also consider that the number of Government Officers on the syndicate should be reduced to three and that instead of specifying the officers it would be sufficient to provide for the number of officers to be nominated by the Government. Necessary modifications for the above purposes have been made.

(ii) *Class II—Other members.*—The Committee feel that it would be sufficient to provide that twelve members should be selected by the members of the Senate from among themselves of whom not less than three members shall be from among members elected to the Senate by the Academic Council and not less than five members shall be persons who are not teachers. Necessary modifications have been made for the purpose.

(iii) *Original sub-clause (2).*—The Committee also consider that the restrictions imposed in the matter of election to the syndicate from the employees of the University is not fair. The sub-clause has therefore been omitted.

21. *Clause 20 (Original clause 19).*—

(i) The Committee think that the term of office of the members other than *Ex-Officio* members of the syndicate should be four years instead of five years as provided in the clause. Necessary modification for the purpose has been made.

(ii) According to the proviso to this clause, no person other than an *Ex-Officio* member shall be eligible to hold office for more than two terms in succession. The Committee feel that term of office as a member of the syndicate constituted under the Kerala University Act, 1957, should also be taken into consideration for the purpose of the proviso. An Explanation for the purpose has been inserted.

22. *Clause 21 (Original clause 20).*—

The changes made in this clause are consequential to the amendments suggested by the Committee to clause 17 (Original clause 16).

23. *Clause 22 (Original clause 21).—*

(i) *Sub-clause (3).*—The Committee consider that the Pro-Vice-Chancellor should also be a member of the Academic Council. The Committee also feel that due representation should be given to all branches of the Faculties, in the Academic council, and that the present composition of the Council is not sufficient. The sub-clause has been suitably modified for the above purposes.

(ii) *Sub-clause (4).*—The Committee are of the view that the term of office of the members of the Academic Council should be four years instead of five years as provided in the sub-clause. The sub-clause has been modified accordingly.

24. *Clause 23 (Original clause 22).*—The Committee consider that it should be the function of the Academic council to advise the Senate also and also to make proposals to determine what degrees, diplomas and other academic distinctions shall be granted by the University. Necessary modifications for the above purposes have been incorporated in the clause.

25. *Clause 25 (Original clause 24).—*

(i) *Sub-clause (1).*—The Committee think that the Dean of each Faculty should be elected by the Faculty in the manner prescribed in the Statutes. The Sub-clause has been modified accordingly.

(ii) *Original sub-clause (3).*—Since the Deans are proposed to be elected by the Faculties, sub-clause (3) is un-necessary and has therefore been omitted.

(iii) *Sub-clause (3) (Original sub-clause (4)).*—The Committee feel that a Dean should hold office for four years instead of two years as provided in the sub-clause. The Sub-clause has been recast for this purpose.

26. *New Clause 27.*—The Committee consider that there should be a Finance Committee with the Vice-Chancellor as the Chairman to advise the University on questions affecting its finances. New clause 27 is intended for this purpose.

27. *Clause 29 (Original clause 27).*—The Committee feel that a person should not be disqualified on the ground that he suffers from contagious leprosy. Sub-clause (1)(b) has been modified for this purpose.

28. *Clause 31 (Original Clause 29).—*

(i) *Sub-clause (1).*—According to the proviso to this sub-clause, before a Statute is passed affecting the powers and duties of any Officer or authority, the Senate shall obtain and consider the opinion of the Syndicate and a report from the Officer or authority concerned. The Committee consider that all Statutes taken into

consideration by the Senate of its own motion should before they are passed be sent to the Syndicate for its opinion. The proviso has been modified for this purpose.

(ii) *Sub-clause (5).*—This sub-clause *inter alia* provides, that where the draft of a Statute has been rejected by the Senate, such draft shall be submitted to the Chancellor. The Committee consider that such a procedure is not necessary. The sub-clause has been modified for this purpose.

29. *Clause 32 (Original Clause 30).*—The Committee consider that sub-clause (e) which empowers the Syndicate to make Ordinances relating to the conditions of service of teachers and other employees in private colleges is not necessary in view of the new Chapter VIII proposed by the Committee. The sub-clause has therefore been omitted.

30. *Clause 33 (Original Clause 31).*—

(i) *Sub-clause (1).*—The Committee consider that Ordinances made by the Syndicate should be laid before the Senate during its next succeeding meeting. The sub-clause has been modified for this purpose.

(ii) *New Sub-clauses (2) and (3).*—The Committee are of the view that if any Ordinance is not laid before the Senate during its next succeeding meeting, the Ordinance should lapse after such meeting of the Senate. The Committee also consider that there should be a specific provision that no Ordinance involving expenditure shall be valid or come into force until assented to by the Chancellor. New sub-clauses (2) and (3) are intended for this purpose.

31. *Clause 34 (Original Clause 32).*—Sub-clause (e) empowers the Academic Council to make regulations regarding recognition of examinations and degrees of other Universities. The Committee feel that diplomas should also be specifically referred to in the sub-clause. Necessary modifications for this purpose have been made in the sub-clause.

32. *Clause 35 (Original Clause 33).*—

Sub-clause (1).—The Committee are of the view that all Regulations made by the Academic Council should be laid before the Senate during its next succeeding meeting. The sub-clause has been modified accordingly.

33. *Clause 36 (Original Clause 34).*—The Committee consider that the Rules, Bye-laws, and Orders of the University should not be inconsistent with the provisions of the Regulations also and that all such Rules, Bye-laws and Orders should be submitted to the Senate during its next succeeding meeting. The Committee are also of the view that the Senate should have power to cancel or

modify any such Rule, Bye-law or Order by a simple majority. The clause has been modified for the above purposes.

34. *Clause 38 (Original Clause 36).*—The Committee consider that the election of members to the bodies of the University other than the Senate and the Syndicate should also be in accordance with the system of proportional representation by means of the single transferable vote. The Committee also feel that a restriction to the effect that where a person has more than one vote in different capacities he shall be entitled only to one vote at such election is necessary. The clause has been modified accordingly.

35. *Clause 39 (Original Clause 37).*—The proviso to sub-clause (2) provides that pending the appointment, election or nomination of any person to fill a vacancy (other than a vacancy in the Senate), the person or authority competent to make such appointment, election or nomination may fill such vacancy by the Co-option of any person qualified to fill such vacancy. The Committee consider that such a provision is not necessary. The proviso has accordingly been omitted.

36. *Clause 40 (Original Clause 38).*—Sub-clause (3) empowers the Senate to remove any person from the membership of any authority or body on the ground *inter-alia* that he suffers from contagious leprosy. The Committee feel that a person should not be removed on that ground. The sub-clause has been modified accordingly.

37. *New Chapter VIII.*—The Committee feel that specific provisions regarding conditions of service of teachers and other employees of private colleges should be incorporated in the Act itself. The Committee also feel that the management of private colleges should be entrusted to a body in which there should be representation for the management, the teachers, the University and the Government. It is also considered that there should be specific provision in the Act regarding appointment of Manager and affiliation of colleges to the University. A new Chapter for the above purposes has been inserted in the Bill.

38. *Original Clause 46.*—This clause empowers the Government to call for an explanation from the Syndicate in regard to any matter connected with the University. The Committee consider that a provision for the purpose is not necessary. The clause has accordingly been omitted.

39. *Clause 63 (Original Clause 47):*

(i) *Sub-clause (1).*—The Committee are of the view that in cases where a private college is proposed to be taken over for management otherwise than on the recommendation of the University, the University should be consulted before taking over of

the management. The Committee are also of the view that the Governing Body or Managing Council of the private college should also be consulted before taking over of the management of the private college. The sub-clause has been modified for the above purposes.

(ii) *New sub-clauses (8) and (9).*—The Committee feel that a provision should be made for making the Governing Body or the Managing Council of the private college liable to pay to the Government all expenses incurred by them out of Government funds, for the proper running of the college and that any amount so payable shall be a first charge on the assets of the college and shall be recoverable under the Revenue Recovery Act. New sub-clauses (8) and (9) are intended for the above purposes.

40. *Original Clause 48.*—This clause provided for the acquisition of private colleges taken over for management. The Committee feel that the provision is unnecessary. The clause has therefore been omitted.

41. *Clause 65 (Original Clause 50).*—The Committee think that it should be made clear that the rules made by the Government should be for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government under the Act. Sub-clause (1) has been modified for this purpose.

42. *Original Clause 51.*—This clause provides that students not residing with their parents or guardians shall reside in hostels or under such supervision, control or conditions as may be prescribed by the Ordinances. The Committee feel that such a provision is unnecessary. The clause has therefore been omitted.

43. *Original Clause 54.*—This clause provides for the conditions of service of teachers of private colleges. In view of the new Chapter VIII proposed by the Committee this provision is unnecessary and has therefore been omitted.

44. *Clause 72 (Original Clause 59).*—According to this clause, the Vice-Chancellor shall submit a report to the Government on the conditions of affiliated colleges at the end of every five years. The Committee are of the view that the period should be reduced to four years. The clause has been modified for this purpose.

45. *Clause 76 (Original Clause 63).*—The Committee consider that the first Statutes and the first Ordinances of the University should be made by the Government. The clause has been recast for this purpose.

46. The other changes made by the Committee are either verbal or consequential.

C. H. MOHAMMED KOYA,
Chairman of the Select Committee.

DISSENTING NOTE

I

1. Various provisions in the Bill strike at the very root of the concept of the autonomy of the University. By giving too much power to Government, the Bill has made the University virtually a Department of the Government, whereby the University which consists of Colleges, Private and Government ceases to be a self-governing body. In effect, the appointment of the Vice-Chancellor is made by the Government when the third member of the Committee is appointed by the Government. (Chapter III clause 10). The requirement for the prior sanction of the Government for academic posts or for expenditure exceeding one lakh of rupees (Chapter II clause 5), the Pro-Chancellor exercising all the powers of the Chancellor during the period of absence or inability of the Chancellor, the Government's inspection of Colleges, the Pro-Chancellor's right of visiting Colleges and institutions affiliated to or maintained by the University, and the Government's taking over the management of Private Colleges or acquiring them with or without the recommendation of the University etc., are all objectionable. Various provisions in Chapter II will invariably delay decisions, inject non-academic considerations in the academic sphere, stifle initiative, encourage irresponsibility and make the University inefficient.

2. The Office of the Pro-Chancellor and that of the Pro-Vice-Chancellor are unnecessary when a full time paid Vice-Chancellor below the age of 65, able to devote his talents to the work of the University, is appointed. More over, with Universities coming up at Calicut and Ernakulam, the present Kerala University will become smaller and there will be no need for a Pro-Vice-Chancellor. The salary to be paid for the Pro-Vice-Chancellor can be saved.

3. There is an over-emphasis of elective element in Chapter IV. Election Campaign even among deans of the University, as contemplated in the Bill will only foster unhealthy rivalry and wastage of energy and time on election Campaign, instead of concentrating on academic matters. Better academic persons are likely to abstain from the election Campaigns and so the University may fall into the hands of second and third rate men. Hence rotation system may be followed, when-ever possible. Give representation to the Members of Parliament of Kerala and more representation to Principals.

4. The Bill is loaded with details of administration which should find a place in the Statutes and Ordinances of the University. Various provisions of Chapter VIII spell an over emphasis

on minor points. It is not proper for an Act of the Legislature to go into such details.

5. It would be advisable to provide for a Standing Committee of the Syndicate and Academic Council consisting of fewer persons for efficient and urgent action since they have to discharge responsibilities of a continuous nature.

6. Since about 85% of the Collegiate students in Kerala are in private Colleges, provisions should be made in the Act to give adequate grant-in-aid to private Colleges through the University.

7. There should also be provision in the Act for Recognised Colleges, as there is provision in the Kerala Education Act, for recognised Schools. Adequate provision for the representation of Managements of Private Colleges in the Senate and the Syndicate, should be incorporated in the Act. Provision should be made for the security of tenure of the Teachers in Private Colleges by providing for the Teachers and Managements entering into a written contract which is justiciable. The Managements of Private Colleges should have unfettered freedom in the composition of the Governing Body of Colleges. It is not proper for the Government or University to become partners in administration of Private Colleges. The Managements should have real freedom of appointment of Teachers from among qualified persons, and the discretion to judge the fitness of a Teacher on probation for confirmation. Many of the provisions in Chapter VIII, it is feared, militate against the rights and privileges of minority communities, as guaranteed by the Indian Constitution.

In clause 58, Chapter VIII, agreeing with the main spirit of the clause, it is better that such Teachers may be deemed to be on leave for the whole term of the Legislature. Again, in clause 63(2) Chapter VIII, the nature of the emergency has to be specified in the Act.

(Sd.)

JOSEPH CHAZHIKATT,
Member, Select Committee.

(Sd.)

K. M. GEORGE,
Member, Select Committee.

DISSENTING NOTE

II

I am in disagreement with the recommendations of the Select Committee on the following points and submit my notes of dissent.

Chapter I Clause (2) sub-clause (11) defines the word 'Principal'. It is not necessary to include 'Principal' in the definition given for 'teachers'. This was not included in the original Bill. The principals of colleges must be given separate recognition and status. In the Senate, while providing for the lay-element, academic element has to be given due prominence. Representation to college principals have to be increased and they must be given choice to get themselves elected from among themselves as provided in the original Bill.

Chapter III, Clause 8 deals with the right of Pro-Chancellor, to visit colleges. The right to inspect incorporated in the original Bill is taken away. Why then this right to visit is retained one fails to understand. What will be the outcome of a visit without power to inspect? The tendency of governments' undue interference in University matters has to be curbed. This clause may be deleted. The Select Committee has also recommended the Pro-Chancellor to exercise and perform all the functions of the Chancellor, when the Chancellor is absent or during his inability to act. I do not agree with this. The Vice-Chancellor will be the most competent person, to perform these duties.

In the composition of the Senate, the original Bill provided only for 8 members from the Legislative Assembly. The present increase of its number to ten, is unnecessary. While providing for varied representations, the Select Committee ought to have given representation to the Lawyers, especially because among other duties, the Senate happens to be a statute making body. Representation must also be given to students, because such participation in administration may prove to be one of the solutions for student unrest.

In the Syndicate, Principals of Colleges teaching to the degree standard who now enjoy the privilege of having four representatives, have given no representation. They must also be represented.

In the governing body for private college not under corporate management and managing council for private colleges under

corporate management, the provision to include one person nominated by the Government is unnecessary. When there are ample safeguards for the proper functioning of these colleges, why should there be a government nominee. It can only cause inconvenience for the smooth and proper functioning of those bodies and hence should not be included.

I strongly disagree with the provision incorporated in clause 63 of the Bill giving power to government to take over management of private colleges whenever it appears to the government on the recommendation of the University or otherwise that in the public interest it is necessary. This is more so, because there is a provision enabling the government to stop any aid or grant to private colleges in certain circumstances. The emergency provision to take over the management without even giving notice is a highly drastic measure, which cannot in any way be justified.

Trivandrum,
20-7-1968.

(Sd.)
K. T. GEORGE,
Member, Select Committee.

THE KERALA UNIVERSITY BILL, 1967

(As amended by the Select Committee)

(Words underlined or sidlined indicate the amendments suggested by the Committee, Omissions are indicated by asterisks)

A

BILL

to provide for the reorganisation of the University of Kerala.

Preamble.—Whereas it is expedient to reorganise the University of Kerala with a view to establishing a teaching, residential, and affiliating University for the State of Kerala; * * * *

* * * *

Be it enacted in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Kerala University Act, 1968.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “Academic Council” means the Academic Council of the University;

(2) “affiliated college” means a college affiliated to the University in accordance with the provisions of this Act and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(3) “annual meeting” means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 18 and declared by the Statutes to be the annual meeting of the Senate;

(4) “Board of Studies” means a Board of Studies of the University;

- (5) "Chancellor" means the Chancellor of the University;
- (6) "college" means an institution maintained by, or affiliated to the University, in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;
- (7) "Department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;
- (8) "educational agency" means any person or body of persons who or which establishes and maintains a private college;
- (9) "Faculty" means a Faculty of the University;
- (10) "hostel" means a unit of residence for the students of the University, or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Act or the Statutes or Ordinances;
- (11) "prescribed" means prescribed by this Act, or the Statutes, Ordinances, Regulations, rules or bye-laws made thereunder;
- (12) "Principal" means the head of a College;
- (13) "private college" means a college maintained by an agency other than the Government and affiliated to the University;
- (14) "Pro-Chancellor" means the Pro-Chancellor of the University;
- (15) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (16) "recognised institution" means an institution for research or special studies, other than an affiliated college, recognised as such by the University;
- (17) "recognised teacher" means a person employed as a teacher in an affiliated institution and whose appointment has been approved by the University;
- (18) "registered graduates" means graduates registered under the provisions of this Act and the Statutes and includes graduates deemed to be registered graduates;
- (19) "Senate" means the Senate of the University;
- (20) "State" means the State of Kerala;
- (21) "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" mean respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;
- (22) "student" means a part-time or full-time student receiving instruction or carrying on research in any of the colleges or recognised institutions;

- (23) "Syndicate" means the Syndicate of the University;
- (24) "teacher" means a Principal, Professor, Assistant Professor, Reader, Lecturer, Instructor or such other person imparting instruction or supervising * * * research in any of the colleges or recognised institutions and whose appointment has been approved by the University;
- (25) "teachers of the University" means persons employed as teachers in institutions maintained by the University;
- (26) "University" means the University of Kerala constituted under this Act;
- (27) "University Fund" means the Kerala University Fund established under sub-section (1) of section 41.
- (28) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER II

The University

3. *The University*.—(1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor and the members of the Senate, the Syndicate and the Academic Council, for the time being, shall constitute a body corporate by the name of the University of Kerala.

(2) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. *Territorial limits*.—(1) The jurisdiction of the University shall extend to the whole of the State.

(2) No educational institution situate beyond the limits of the State shall, save with the sanction of the Chancellor and the Government, be affiliated to the University and no educational institution within the State shall, save with the sanction of the Chancellor and the Government, seek or continue affiliation to any other University established by law.

5. *Powers of the University*.—The University shall have the following powers, namely.—

(i) to provide for instruction and training in such branches of learning as the University may deem fit, and to make provision for research and for the advancement and dissemination of knowledge;

(ii) to institute degrees, titles, diplomas and other academic distinctions;

(iii) to hold examinations and to confer degrees and other academic distinctions on persons who—

(a) shall have pursued a prescribed course of study in a college under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or

(b) shall have carried on research under prescribed conditions and which has been duly evaluated;

(iv) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;

(v) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;

(vi) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case;

(vii) to supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;

(viii) to recognise hostels which are maintained by bodies other than the University and to withdraw such recognition;

(ix) to exercise such control over the students as will ensure their physical and moral well-being;

(x) to fix the fees payable to the University and to demand and receive such fees;

(xi) to regulate, with the prior sanction of the Government, the fees payable in private colleges affiliated to the University;

(xii) * * * * * to regulate the emoluments and prescribe the duties and conditions of service of teachers and other employees in private colleges;

(xiii) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals and prizes and to organise exhibitions;

(xiv) to institute and provide funds wherever necessary for the maintenance of—

- (a) a Students' Advisory Bureau;
- (b) an Employment Bureau;
- (c) a University Union for students;
- (d) University Athletic Clubs;
- (e) the National Cadet Corps;
- (f) the National Service Corps;
- (g) University Extension Boards;
- (h) Students' Cultural and Debating Societies;
- (i) a Translation and Publication Bureau; and
- (j) co-operative societies and other similar institutions or promoting the welfare of students and employees of the University;

(xv) to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;

(xvi) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning;

(xvii) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;

(xviii) to direct, manage and control all immovable and movable properties transferred to the University by the Government;

(xix) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognised by the University;

(xx) to define the powers and duties of the officers of the University other than the * * * * Vice-Chancellor;

(xxi) to provide for the inspection of affiliated colleges and issue such directions as the University may deem fit;

(xxii) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;

(xxiii) * * * * to affiliate to itself colleges in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations * * * and to withdraw affiliation from colleges;

(xxiv) to institute professorships, readerships, lectureships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lectureships and other teaching and research posts;

(xxv) to establish, maintain and manage hostels, and

(xxvi) generally to do such other acts as may be required to further the aims and purposes of this Act:

Provided that the * * * * Government shall be consulted in respect of—

(a) creation of posts the pay or maximum pay of which is or exceeds one thousand rupees per mensem; and

(b) schemes the expenditure of which exceeds one lakh of rupees.

6. *University open to all classes and creeds.*—No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, political opinion or any of them, be ineligible for, or discriminated against

in respect of, any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University:

Provided that the University may, in consultation with the Government, affiliate or recognise any college or institution exclusively for women, either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University:

Provided further that the rules for the reservation of appointments and posts under the Government, in favour of the Scheduled Castes, the Scheduled Tribes and other backward classes of citizens, shall, so far as may be, apply in the case of appointments to * * * the University.

CHAPTER III

The Chancellor, Pro-Chancellor and Officers of the University

7. *The Chancellor.*—(1) The Governor of Kerala * * * shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall * * * be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(3) The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Act, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws:

Provided that, before making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause if any shown by such authority within a reasonable time.

(4) The Chancellor shall, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(5) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(6) An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.

(7) An appeal under sub-section (6) shall be filed within sixty days of the order of dismissal.

(8) The Chancellor shall, before passing any order on an appeal under sub-section (6), refer the matter for advice to a Tribunal appointed by him for the purpose.

(9) The Chancellor shall have power to remove the Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:

Provided that such charges are proved by an enquiry conducted by a person who is or has been a judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(10) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

8. *The Pro-Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) The Pro-Chancellor shall have the right of visiting * * * colleges and other institutions maintained by, or affiliated to, the University.

(3) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

9. *Officers of the University.*—The following shall be the officers of the University, namely:—

* * *

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Registrar; and
- (iv) such other officers in the service of the University, as may be declared by the Statutes to be officers of the University.

10. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of a committee appointed by the Government consisting of three members, one elected by the Senate, one elected by the Syndicate and the third nominated by the Government.

(2) In case the committee appointed under sub-section (1) is unable to recommend a name unanimously, each member may submit one name to the Chancellor for consideration and the Vice-Chancellor shall be appointed by the Chancellor from among the panel of names so submitted by the members.

(3) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(4) The Vice-Chancellor shall receive such remuneration as may be fixed in this behalf by the Chancellor.

(5) Notwithstanding anything contained in sub-section (3), the Chancellor may allow the Vice-Chancellor to continue in office after the expiry of his term until his successor is appointed and enters upon his office or for a period of six months from the date of such expiry, whichever period expires earlier.

* * * * *

(6) The Vice-Chancellor shall be the principal academic and executive officer of the University.

(7) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate and the Academic Council, and shall be entitled to be present at and to address any meeting of any authority of the University, but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(8) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, the Ordinances and the Regulations are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(9) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to, the University.

(10) If at any time, except when the Syndicate is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate by or under this Act, the Vice-Chancellor may take such action as he deems fit, and shall, as soon as may be thereafter, report the action taken by him to the Syndicate.

(11) Subject to the provisions of the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Assistant Registrar.

(12) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(13) It shall be the duty of the Vice-Chancellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws and to report to the Chancellor every proceeding which is not in conformity with such provisions.

(14) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes.

11. *The Pro-Vice-Chancellor.*—(1) The Chancellor may, if he considers it necessary for the more efficient functioning of the University, appoint a Pro-Vice-Chancellor.

(2) The Pro-Vice Chancellor shall be a whole-time salaried officer of the University.

(3) The Pro-Vice Chancellor shall hold office for a term of four years and shall be eligible for re-appointment.

(4) The salary and other conditions of service of the Pro-Vice Chancellor shall be prescribed by the Statutes.

(5) The Pro-Vice Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf and he shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.

12. *The Registrar.*—(1) The Registrar shall be a whole-time salaried officer of the University and shall be appointed by the Syndicate for such period and on such terms as may be prescribed by the Statutes.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(3) Suits by or against the University shall be instituted by or against the Registrar.

(4) Subject to the provisions of the Statutes and the Ordinances, the Registrar shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University office whose pay or maximum pay does not exceed two hundred and fifty rupees per mensem, provided that the employee so punished shall have a right of appeal to the Vice-Chancellor, within sixty days of the order of punishment.

13. *Appointments to be notified.*—The appointments of the Vice-Chancellor, the Pro-Vice Chancellor and the Registrar shall be notified in the Gazette.

CHAPTER IV

Authorities of the University

14. *Authorities of the University.*—The following shall be the authorities of the University, namely:—

- (i) the Senate;
- (ii) the Syndicate;
- (iii) the Academic Council;
- (iv) the Faculties;
- (v) the Boards of Studies;
- (vi) The Finance Committee; and
- (vii) such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

15. *Senate.*—The Senate shall consist of the following members, namely:—

Class I—Ex-Officio Members

- (1) The Chancellor.
- (2) The Pro-Chancellor
- (3) The Vice-Chancellor.
- (4) The Pro-Vice Chancellor
- (5) Five Officers nominated by the Government.
- (6) The Chairman, State Advisory Board of Education.

* * * *

Class II—Elected Members

- (1) Twenty members elected by registered graduates * *
* * * * * from among themselves;
- (2) Fifteen members elected by the members of the Academic Council from among themselves, of whom not less than three members shall be Deans of Faculties and not less than three members shall be University heads of departments not being Deans of Faculties.
- (3) Ten members elected by members of the Legislative Assembly of the State of Kerala, from among themselves of whom one shall be a member of any Scheduled Caste or Scheduled Tribe.

(4) Forty-two members elected from among themselves by the teaching staff of all the colleges affiliated to the University and the teachers of the University, of whom not less than five members shall be principals of arts and science colleges and two members shall be principals of professional colleges.

(5) One member elected by the members of the local authorities of each district in the State from among themselves.

(6) Two members elected by the registered trade unions in the State designated by Statutes, from among their members.

(7) One member elected by the employees other than teachers of the University from among themselves.

(8) One member elected by the non-teaching staff of the affiliated colleges, from among themselves.

(9) Five members elected by the Managers of private colleges from among themselves.

Class III—Life Members

Persons who were life members of the Senate of the Kerala University immediately before the commencement of this Act shall be deemed to be life members of the Senate under this Act.

Class IV—Other Members

(1) Four headmasters of high schools nominated by the Chancellor.

(2) Not more than eight members nominated by the Chancellor representing * * * * (i) recognised research institutions; (ii) recognised cultural associations; * * * * (iii) chambers of Commerce; (iv) industries; (v) authors; and (vi) Journalists.

16. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted every four years.

(2) Every member of the Senate, other than ex-officio and life members, shall, subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate:

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate:

Provided further that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he

is entitled to be a member of the Senate *ex-officio*, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination, or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment, and such choice shall be final.

(3) On failure of a member to make the choice under the second proviso to sub-section (2), he shall be deemed to have vacated his office as an elected or nominated member.

(4) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

17. *Powers and functions of Senate.*—(1) The Senate shall be the supreme authority of the University and shall have the power to review the action of the Syndicate and the Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Act, the Statutes, Ordinances or Regulations, and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Act, the Senate shall have the following powers, namely:—

(a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;

(b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;

(c) to cancel or amend any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council;

* * * *

(d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organise exhibitions in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations;

(e) to institute professorships, readerships, lecturerships and such other teaching or research posts as it may deem necessary;

(f) to establish and maintain such institutions as it may from time to time deem necessary;

(g) to prescribe the terms and conditions of service of the employees of the University;

(h) to regulate emoluments and prescribe the duties and conditions of service of teachers and other employees in private colleges;

(i) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;

(j) to cancel any degree, diploma, title or any other distinction granted to any person in accordance with the provisions of the Statutes;

(k) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;

(l) to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;

(m) to recommend to the Government the recognition of any local area as a University Centre;

(n) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

18. *Meeting of the Senate.*—(1) The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor and one of such meetings shall be called the annual meeting.

(2) One-fifth of the total number of members of the Senate shall be the quorum for a meeting of the Senate:

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit and shall, upon a requisition in writing signed by not less than one-fourth of the total number of members of the Senate, convene a special meeting of the Senate.

(4) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered at the meeting.

19. *The Syndicate.*—The Syndicate shall be the Chief executive Body of the University and shall consist of the following members, namely:—

Class I—Ex-officio Members

(a) The Vice-Chancellor.

(b) The Pro-Vice-Chancellor.

* * * * *

(c) Three officers nominated by the Government.

Class II—Other Members

Twelve members elected by the members of the Senate from among themselves, of whom not less than three members shall be from among the members elected to the Senate by the Academic Council and not less than five members shall be persons who are not teachers.

20. *Term of office of members of Syndicate.*—Members of the Syndicate, other than *ex-officio* members, shall hold office for a term of four years from the date of their election : * * * *

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that electorate or the holder of that office:

Provided further that no person other than an *ex-officio* member shall be eligible to hold office for more than two terms in succession.

Explanation.—For the purposes of the foregoing proviso, “term” shall include a term of office as member of the Syndicate constituted under the Kerala University Act, 1957, notwithstanding that such term was less than or greater than four years.

21. *Powers of Syndicate.*—Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:—

- (i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;
- (ii) to make Ordinances and to amend or repeal the same;
- (iii) to propose Statutes for the consideration of the Senate;
- (iv) to hold, control and administer the properties and funds of the University;
- (v) to direct the form, custody and use of the common seal of the University;
- (vi) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;

* * * * *

(vii) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;

(viii) to appoint teachers and other employees of the University and prescribe their duties;

(ix) to create administrative, ministerial and other necessary posts;

(x) to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;

* * * * *

(xi) to regulate the fee payable by students in colleges affiliated to the University;

(xii) to * * * award fellowships, scholarships studentships, bursaries, medals and prizes;

(xiii) to exercise supervision and control over the residence and discipline of students;

(xiv) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf.

(xv) to conduct University examinations and approve and publish the results thereof;

(xvi) to appoint members to the Boards of Studies;

(xvii) to appoint examiners and to fix their remuneration;

(xviii) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;

(xix) to arrange for and direct the * * * investigation into the affairs of private colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them, and in case of disregard of such instructions, to modify the conditions of affiliation or recognition or take such other steps as it deems proper in that behalf;

* * * * *

(xx) to withhold or cancel the result of any candidate at any University examination;

(xxi) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfers shall be reported to the Senate at its next meeting;

(xxii) to exercise such other powers and perform such other duties as may be prescribed by this Act; the Statutes and the Ordinances.

22. *The Academic Council.*—(1) The Academic Council shall be the academic body of the University.

(2) The Academic Council shall, subject to the provisions of this Act and the Statutes, have the control and general regulation, and be responsible for the maintenance of standards of instruction, education and examinations within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(3) The Academic Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor;
- (b) the Pro-Vice-Chancellor;
- (c) the Director of Public Instruction;
- (d) the Director of Technical Education;
- (e) the Director of Collegiate Education;
- (f) the Deans of Faculties;

who are not Deans of Faculties, by rotation according to seniority;

(h) five members (other than Deans of Faculties) elected by the principals of professional colleges from among themselves;

(i) seven members (other than Deans of Faculties) elected by the principals of First grade colleges from among themselves;

(j) two members (other than Deans of Faculties) elected by the principals of junior colleges from among themselves;

(k) one member, not being the Dean of a Faculty, elected by the principals of the colleges of oriental languages from among themselves.

(l) one member each for every subject of study (not being a Dean of Faculty or head of department or reader or principal) elected by the teachers of that subject from among themselves:

Provided that a member so elected shall be a teacher having not less than ten years' teaching experience;

(m) three members (not being teachers) elected by the members of the Senate from among themselves;

(n) two secondary school teachers nominated by the Chancellor.

* * * * *

(4) Members of the Academic Council, other than the members specified in clauses (a) to (g) of sub-section (3), shall hold office for a term of four years from the date of their appointment or nomination as the case may be.

23. *Powers and duties of Academic Council.*—Subject to the provision of this Act and the Statutes, the Academic Council shall have the following powers, duties and functions, namely:—

(i) to advise the Senate and the Syndicate on all academic matters;

(ii) to make Regulations and to amend or repeal the same;

(iii) to prescribe the courses of studies in the institutions maintained by, or affiliated to, the University;

(iv) to prescribe the qualifications of teachers—

(a) in colleges; and

(b) in the institutions maintained by the University;

(v) to prescribe the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted;

(vi) to make proposals for the instruction and training in such branches of learning as it may think fit;

(vii) to make proposals for research and advancement and dissemination of knowledge;

(viii) to make proposals for the institution of Professorships, Readerships, Lectureships and other teaching and research posts required by the University;

(ix) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(x) to make proposals for determining what degrees diplomas and other academic distinctions shall be granted by the University;

(xi) to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examinations of the University;

(xii) to arrange for the co-ordination of studies and teaching in affiliated colleges and recognised institutions;

(xiii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances, Regulations, rules or bye-laws;

24. *Faculties.*—(1) (a) The University may have such faculties as may be prescribed by the Statutes from time to time;

(b) Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such Faculty by the Ordinances or Regulations.

(2) Each Faculty shall consist of not more than such number of members as may be prescribed by the Statutes.

(3) Subject to the provisions of sub-section (2), each Faculty shall consist of—

(a) such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Academic Council having regard to the qualifications of such teacher-members;

(b) such number of members of the Senate as are not teachers, not exceeding one-fourth of the total number of members of each Faculty, as may be assigned by the Senate in the manner prescribed by the Statutes; and

(c) such number of members nominated as experts by the Academic Council in such manner as may be prescribed by the Statutes, from amongst persons who are not members of the Senate:

Provided that no person shall be a member of more than two Faculties.

(4) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances.

(5) Subject to the provisions of this Act, each Faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

25. *Deans of Faculties.*—(1) There shall be a Dean of each Faculty, who shall be elected by the Faculty in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) The Dean of each Faculty shall be responsible for the due observance of the Statutes, Ordinances, Regulations and Bye-laws relating to that Faculty.

(3) The Dean of Faculty shall hold office for a term of four years.

* * * * *

(4) Subject to the provisions of this Act, each Faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

26. *Boards of Studies.*—There shall be a Board of Studies attached to each department of study in the University.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

27. *Finance Committee.*—(1) There shall be a Finance Committee with the Vice-Chancellor as the Chairman to give advice to the University on any question affecting its finances.

(2) The constitution, powers and functions of the Finance Committee and its procedure in financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

28. *Other authorities of University.*—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

29. *Disqualifications for membership.*—(1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he—

- (a) is below twenty-five years of age; or
- (b) is of unsound mind or a deaf mute ; or * * *
- (c) is an undischarged insolvent; or
- (d) has been convicted by a court of law of an offence involving moral delinquency.

(2) If any question arises whether any person is disqualified under sub-section (1), the question shall be referred to the Chancellor and his decision thereon shall be final.

CHAPTER V

Statutes, Ordinances, Regulations, Rules and Bye-laws

30. *The Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

- (a) the powers and duties of the officers of the University, not specifically provided for in this Act;
- (b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act;
- (c) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;
- (d) award of degrees, diplomas, titles, certificates and other academic distinctions by the University;
- (e) the withdrawal or cancellation of degrees, diplomas, titles, certificates and other academic distinctions;
- (f) the maintenance of a register of registered graduates;
- (g) the maintenance of a register of recognised teachers;
- (h) the holding of convocations to confer degrees;
- (i) conferment of honorary degrees;
- (j) the maintenance of the accounts and the preparation and passing of the annual budget of the University;

(k) all other matters which by this Act are to be or may be prescribed by Statutes.

31. *Procedure for making Statutes.*—(1) The Senate may of its own motion take into consideration the draft of a Statute:

Provided that in any such case, before a Statute is passed * * *
* * * the Senate shall obtain
and consider the opinion of the Syndicate. * * *

(2) The Syndicate may propose to the Senate the draft of any Statute and such draft shall be considered by the Senate at its next succeeding meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration either in whole or in part, together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub-section (3) has been further considered by the Syndicate, together with any amendments suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon; and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate, * * *
* * * it shall be submitted to the
Chancellor * * *
who may refer the Statute * * * back to the Senate for further
consideration or * * * assent
thereto or withhold his assent.

(6) No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.

(7) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the senate.

32. *Ordinances.*—Subject to provisions of this Act and the Statutes, the Syndicate shall have power to make Ordinances providing for all or any of the following matters, namely:—

- (a) the levy of fees in colleges and other institutions by the University;
- (b) the residence and discipline of students;
- (c) the work load and pattern of teaching staff in colleges;

(d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University; and

* * * * *

(e) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

33. *Procedure for making Ordinances.*—(1) All Ordinances made under this Act shall have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the senate during its next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.

(3) No Ordinance involving expenditure shall be valid or come into force until assented to by the Chancellor.

(4) Subject to the provisions of sub-sections (1) and (3), the procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

34. *Regulations.*—Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely:—

(a) the courses of studies and the conduct of examinations;

(b) the admission of students to the various courses of study and to the examinations;

(c) the qualifications of teachers;

(d) the appointment and prescription of duties of the Board of Studies and examiners;

(e) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and

(f) all other matters which under the provisions of this Act; the Statutes and Ordinances are to be or may be prescribed by Regulations.

35. *Procedure for making Regulations.*—(1) All Regulations made under this Act shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

(2) Subject to the provisions of sub-section (1), the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

36. *Rules, bye-laws and orders.*—(1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of this Act, the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this Act or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meetings of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted * * * to the Senate during its next succeeding meeting.

(3) The Senate shall have power * * *
* * * to cancel or modify any such rule, bye-law or order.

37. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Act shall be published in the Gazette.

CHAPTER VI

Election to the Senate, the Syndicate and the other bodies of the University, filling up of vacancies and resignation, removal, etc. of Members of Authorities and Bodies

38. *Election of members to the Senate, Syndicate and other bodies of the University.*—(1) The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the statutes and the voting at such election shall be by secret ballot.

(2) Where, in an election to any authority of the University, a person has more than one vote in different capacities, he shall be entitled only to one vote at such election.

39. *Filling up of vacancies.*—(1) All vacancies among the members (other than *ex-officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as may be, by the person or authority who or which appointed, elected, or nominated * the member whose place has become vacant.

(2) Any person appointed, elected or nominated * * under sub-section (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated * * as the case may be, would have been entitled to hold office if the vacancy had not occurred.

* * * * *

40. *Resignation or removal of members of any authority or body.*—(1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar.

(2) The Senate may, on the recommendation of not less than two-thirds of the number of members of the Syndicate, remove the name of any person convicted by a Court of Law of any offence involving moral delinquency from the register of graduates or remove any such person from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf mute * * * or has applied to be adjudicated or has been adjudicated an insolvent.

CHAPTER VII

Finance

41. *University Fund.*—(1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received, all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled "The Kerala University Fund" and shall be employed for the purposes and in the manner laid down in this Act and in the Statutes, Ordinances, Rules and Bye-laws made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Kerala University Fund shall be lodged in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries upto such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Kerala University Fund, as it may deem fit, in Government Securities or securities guaranteed by the Government of India.

(4) The custody of the Kerala University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, Rules and bye-laws made in that behalf.

42. *Grants from Government.*—(1) The University shall receive as grants for its maintenance such sums as may be fixed by the Government from time to time.

(2) The Government may pay to the University such other grants as they think fit for specific purposes.

43. *Annual estimates of income and expenditure.*—(1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such date as may be prescribed by the Statutes, and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either without alterations or with such alterations as it may think fit.

44. *Annual accounts.*—(1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate in the Gazette, and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The Government shall, as soon as the annual accounts together with the audit report thereon are received, cause the same to be laid on the table of the State Legislature.

(4) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

45. *Annual report.*—(1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes, and shall be considered by the Senate at its next meeting.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and

shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2), to the Government.

46. *Audit of accounts of the University.*—(1) The Government shall appoint auditors of the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management and control of the University.

(3) The University shall bear the cost of the audit as fixed by the Government.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The Auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the auditors and report the action taken to the Government.

CHAPTER VIII

Private Colleges

47. *Definition.*—In this Chapter, "corporate management" means a person or body of persons who or which manages more than one private college.

48. *Governing body for private college not under corporate management.*—(1) The educational agency of a private college, other than a private college under a corporate management, shall constitute in accordance with the provisions of the Statutes a governing body consisting of the following members, namely:—

- (a) the principal of the private college;
- (b) the manager of the private college;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) a person elected in accordance with such procedure as may be prescribed by the Statutes from among themselves by the permanent teachers of the private college; and

(f) not more than six persons nominated by the educational agency.

(2) The governing body shall be a body corporate having perpetual succession and a common seal.

(3) A member of the governing body shall hold office for a period of four years from the date of its constitution.

(4) It shall be the duty of the governing body to administer the private college in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, Rules, Bye-laws and Orders made thereunder.

(5) The powers and functions of the governing body, the removal of members thereof and the procedure to be followed by it, including the delegation of its powers, shall be prescribed by the Statutes.

49. *Managing council for private colleges under corporate management.*—(1) A corporate management shall constitute a managing council for all the private colleges under its management, consisting of the following members, namely:—

(a) one principal by rotation in such manner as may be prescribed by the Statutes;

(b) the manager of the private colleges;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) two persons elected in accordance with such procedure as may be prescribed by the Statutes from among themselves by the permanent teachers of all the private colleges; and

(f) not more than fifteen persons nominated by the educational agency.

(2) The managing council shall be a body corporate having perpetual succession and a common seal.

(3) A member of the managing council shall hold office for a period of four years from the date of its constitution.

(4) It shall be the duty of the managing council to administer all the private colleges under the Corporate Managements in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, Bye-laws and Orders made thereunder.

(5) The powers and functions of the managing council, the removal of members thereof and the procedure to be followed by it, including the delegation of its powers, shall be prescribed by the Statutes.

50. *Appointment of manager.*—(1) The educational agency shall appoint a manager for the private college or for all the private colleges, as the case may be, under its management.

(2) The appointment or removal of the manager shall be intimated to the University by the Educational agency.

(3) It shall be the duty of the manager to give effect to the decisions of the governing body or managing council, as the case may be.

(4) The manager shall exercise such powers and discharge such other duties as may be delegated to him by the educational agency and the governing body or managing council, as the case may be.

(5) Suits by or against a private college shall be instituted by or against the manager thereof.

51. *Acts or proceedings of governing body or managing council not to be invalidated.*—No act or proceeding of a governing body or managing council shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the governing body or managing council; or

(b) any defect in the appointment of a person acting as a member of the governing body or managing council; or

(c) any irregularity in the procedure of the governing body or managing council not affecting the merits of the case.

52. *Affiliation of colleges.*—(1) An application for affiliation to the University of any college shall be sent by the educational agency of that college to the Registrar within such time and in such manner as may be prescribed by the Statutes.

(2) The terms and conditions of affiliation of a college and the procedure to be followed by the Syndicate in granting such affiliation shall be prescribed by the Statutes.

(3) Without prejudice to the generality of the provisions of subsection (2), such Statutes may provide for the pattern of staff, salary and terms and conditions of service of members of the staff and admission and selection of students for courses and examinations.

53. *Appointment of teachers in private colleges.*—(1) Posts of principals of private colleges shall be selection posts.

(2) Appointment to the post of principal in a private college shall be made by the governing body or managing council, as the case may be, from among teachers of the college or of all the colleges, as the case may be, or, if there is no suitable person in such college or colleges, from other persons.

(3) An appointment under sub-section (2) shall be made having regard to seniority and merit and shall be subject to the approval of the Syndicate.

(4) Appointments to the lowest grade of teacher in each department of a private college shall be made by the governing body or managing council, as the case may be, by direct recruitment on the basis of merit.

(5) All appointments under sub-section (4) shall be subject to the prior approval of the Syndicate.

(6) Before making any appointment under sub-section (4), the post shall be advertised in such manner as may be prescribed by the Statutes.

(7) Appointments to the posts other than those referred to in sub-sections (1) and (4) shall be made by the governing body or managing council, as the case may be, by promotion from among the teachers of the college or of all the colleges, as the case may be, on the basis of seniority and merit, or, if there is no person possessing the qualifications prescribed for the post, by direct recruitment.

(8) Notwithstanding anything contained in sub-sections (4) and (7), a teacher discharged from a private college due to abolition of a course of study in the private college shall be given preference in the matter of appointment if the course is re-started in that private college within a period of three years.

(9) Any teacher aggrieved by an appointment under sub-section (7) may, within sixty days from the date of the appointment, appeal to the Syndicate, and the decision of the Syndicate thereon shall be final.

(10) Every appointment under this section shall be made by a written order of the Manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed with copy to the University.

54. *Qualifications of teachers.*—Teachers of private colleges shall possess such qualifications as may be prescribed by the Regulations.

55. *Probation.*—(1) Teachers of private colleges shall be on probation for a period of one year within a period of two years:

Provided that in exceptional cases the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation.—Probation undergone by a teacher before the commencement of this Act shall be deemed to be probation for the purposes of this sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) The governing body or managing council, as the case may be, may, at any time before the prescribed period of probation, terminate the probation of the probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer on promotion.

(3) Any probationer discharged or reverted under sub-section (2) shall be given preference in the matter of future appointments to the same post.

(4) On satisfactory completion of probation, the governing body, or managing council, as the case may be, shall confirm the teacher in the post if the post is substantively vacant, and if the post is not substantively vacant or if the appointment is for a specific period, the teacher shall be allowed to continue for the remaining period of his appointment.

(5) If, on the expiry of the prescribed period of probation, the governing body or managing council, as the case may be, decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(6) Where the post held by the probationer is substantively vacant and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (4) or is not discharged or reverted under sub-section (5), he shall be deemed to have been confirmed in that post.

(7) A probationer who is discharged or reverted under sub-section (5) shall be entitled to appeal against the order of discharge or reversion to the Vice-Chancellor within a period of sixty days from the date on which he receives a copy of the order, and the order of the Vice-Chancellor on such appeal shall be final.

56. *Conditions of service of teachers of private colleges.*—(1) The conditions of service of teachers of private colleges, including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement shall be such as may be prescribed by the Statutes.

(2) No teacher of a private college shall be dismissed, removed, or reduced in rank by the governing body or managing council without the previous sanction of the Pro-Vice-Chancellor or placed under suspension by the governing body or managing council for a continuous period exceeding fifteen days without such previous sanction.

(3) No disciplinary action shall be taken against a teacher without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(4) A teacher against whom disciplinary action is taken shall have a right of appeal to the Syndicate, and the Syndicate shall have power to order reinstatement of the teacher in cases of wrongful removal or dismissal and to order such other remedial measures as it deems fit, and the governing body or managing council, as the case may be, shall comply with the order.

57. *Past disputes relating to service condition of teachers.*—Notwithstanding anything contained in any law for the time being in force or in any contract or in any judgment, decree or order of any court or other authority:

(a) any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Act shall be decided under the provisions of this Act and the Statutes made thereunder;

(b) any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher, which has arisen after the 1st day of August, 1967 and has been disposed of before the commencement of this Act shall, if the management or the teacher applies to the Vice-Chancellor in that behalf within a period of thirty days from such commencement, be reopened and decided under the provisions of this Act and the Statutes made thereunder as if it had not been finally disposed of.

58. *Membership of Legislative Assembly, etc., not to disqualify teachers.*—A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected as a member of the Legislative Assembly of the State or of Parliament or of a local authority:

Provided that a teacher who is a member of the Legislative Assembly of the State or of Parliament shall be on leave during the period in which the Legislative Assembly or Parliament as the case may be, is in session.

59. *Non-teaching staff of private colleges.*—The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges.

60. *Transitory provision.*—All private colleges existing in the State immediately before the commencement of this Act and affiliated to the University shall, within a period of six months from the commencement of this Act, comply with the provisions of this Chapter.

61. *Colleges not complying with provisions of this Act.*—(1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Act, it may disaffiliate the college from the University:

Provided that before disaffiliating a college, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

(2) If the Government are satisfied that any private college has not complied with any of the provisions of this Chapter, they may, by order, direct that the college shall not be given any aid or grant from the Government:

Provided that before making any such order, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

CHAPTER IX

Miscellaneous

62. *Power of Government to cause inspection of the University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institutions maintained, recognised or approved by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intension to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1) advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished or representation made by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions.

* * * * *

63. *Power of Government to take over Management of private colleges.*—(1) Whenever it appears to the Government on the recommendation of the University or otherwise that in the public interest it is necessary to take over the management of any private college, they may, after giving the governing body or managing council, as the case may be, of the college and the educational agency, if any, of the college, a reasonable opportunity for showing cause against the proposed action and after considering the cause, if any, shown, by order, take over the management of such college for a period not exceeding five years:

Provided that in cases where action is taken under this sub-section otherwise than on the recommendation of the University, it shall be consulted before taking such action.

(2) In cases of emergency, where the Government are satisfied that such a course is necessary so to do in the interest of the students of a private college, they may, without any notice under sub-section (1) to the governing body or managing council as the case may be, or the educational agency, by order take over the management of such college after the publication of a notification to that effect in the Gazette.

(3) Where any college has been taken over under sub-section (2), the manager or the educational agency of the college may, within three months of the publication of the notification under the said sub-section, apply to the Government for the restoration of the college showing the cause therefor, and where the Government are satisfied of the cause so shown, they shall restore the college.

(4) The Government may also make such further orders as may appear to them to be necessary or expedient in connection with the taking over of the management of any college under this section.

(5) Where any college is taken over under this section, the Government shall pay to the person or persons interested, such rent as may be fixed by the Collector, having regard to the rates of rent prevailing in the locality for similar properties:

Provided that where any property has been acquired, constructed, improved or maintained for the purposes of the college with the aid given or by appropriation or diversion of any grant made by the Government, such rent shall be fixed by the Collector after taking into account the amount of such aid or grant.

(6) Where any college is taken over under this section, the Government shall run the college affording any special educational facilities which the college was affording immediately before such taking over.

(7) Any person aggrieved by an order of the Collector fixing the rent under sub-section (5) may, in the prescribed manner, appeal to the District Court within whose jurisdiction the college is situate within sixty days from the date of the order and the decision of the District Judge on such appeal shall be final.

(8) The governing body or managing council, as the case may be, and the educational agency, if any, of a college taken over under this section shall, on the expiration of the period of management by the Government, be liable to pay to the Government all expenses incurred by Government out of Government funds in consultation with the University for the proper running of the college.

(9) Any amount payable under sub-section (8) shall be a first charge on the assets of the college and shall be recoverable as if such amount were an arrear of land revenue under the Revenue Recovery Act for the time being in force.

* * * *

64. *Appointment of Commission to enquire into the working of University.*—

(1) The Government may at any time and shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on—

(i) the working of the University during the period to which the inquiry relates;

(ii) the financial position of the University including the financial position of its colleges and departments;

(iii) any changes to be made in the provisions of the Act or the Statutes, Ordinances, Rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and

(iv) such other matters as may be referred to it by the Government and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2) the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and recommendations of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

65. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act, for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

* * * *

66. *Register of recognised teachers.*—(1) The Syndicate shall maintain a register of recognised teachers of the University in such form as may be prescribed by the Statutes.

(2) The Syndicate shall have power to suspend or remove from the register of recognised teachers the name of a teacher for reasons to be recorded in writing :

Provided that the name of a teacher shall not be suspended or removed without giving him a reasonable opportunity of being heard.

(3) A teacher whose name is suspended or removed from the register of recognised teachers shall not be eligible for appointment or continuance as a teacher in any of the institutions affiliated to the University.

(4) An appeal shall lie to the Chancellor against the decision of the Syndicate under sub-section (2).

(5) The register of recognised teachers shall be maintained in such manner as may be prescribed by the Statutes.

67. *Conditions of service.*—(1) Save as otherwise provided by or under this Act, every salaried officer and teacher of the University shall be appointed under a written contract.

(2) The written contract referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute arising out of a contract between any officer or teacher of the University and the University shall, on the request of the officer or teacher concerned, be referred to a Board of Arbitration consisting of one member appointed by the Syndicate, one member nominated by the Government not below the rank of a District Judge and a nominee of the officer or teacher concerned.

(4) The member nominated by the Government shall be the Chairman of the Board of Arbitration.

(5) The award of the Board shall be final and no suit shall lie in any civil court in respect of the matter decided by the Board.

(6) The provisions of the Arbitration Act, 1940 (Central Act 10 of 1940), shall apply to any arbitration under this section.

* * * * *

68. *Pension, insurance and provident fund.*—The University shall make appropriate provisions for the benefit of its officers, teachers and other servants under their control * * * * * in matters of insurance, pension and provident fund and for such other benefits as it may deem fit, in such manner as may be prescribed by the Ordinances.

69. *Proceedings of the University and bodies not to be invalidated by vacancies.*—No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Act or the

Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

70. *Proceedings of the Senate, Syndicate and Academic Council.*—The Registrar shall forward to the Government within one month of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meeting.

71. *Dispute as to constitution of University authority or body.*—If any question arises regarding the interpretation of any provision of this Act, or of any Statute, Ordinance, rule or bye-law or as to whether a person has been duly elected or appointed, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if not less than twenty-five members of the Senate so require; and the Chancellor shall, after taking such advice as he deems necessary, decide the question and such decision shall be final.

72. *Report on affiliated colleges.*—The Vice-Chancellor shall, at the end of every four years from the commencement of this Act, submit a report to the Government on the conditions of affiliated colleges.

73. *Protection of acts and orders.*—All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, rules and bye-laws made thereunder.

74. *Institutions affiliated to University.*—(1) All colleges existing in the State immediately before the commencement of this Act shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future maintenance and control.

75. *Transitory provisions.*—Any officer or authority of the University of Kerala exercising any powers or performing any duties under the Kerala University Act, 1957 (14 of 1957), immediately before the commencement of this Act shall, for a period of one year from such commencement or until the corresponding officer or authority is appointed, elected, nominated or constituted, as the case may be, in accordance with the provisions of this Act or the Statutes or Ordinances made thereunder, whichever is earlier, continue to exercise such powers or perform such duties, as the case may be, so far as such powers or duties are not inconsistent with the provisions of this Act.

(2) The Statutes, Ordinances, rules and bye-laws in force immediately before the commencement of this Act shall, in so far as

they are not inconsistent with the provisions of this Act, continue to be in force until they are replaced by the Statutes, Ordinances, rules or bye-laws framed under this Act.

(3) All properties, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held in trust by or for the University of Kerala constituted under the Kerala University Act, 1957 (14 of 1957) as well as all liabilities legally subsisting against the said University, shall pass to the University constituted under this Act.

(4) All persons who are registered graduates of the University of Kerala constituted under the Kerala University Act, 1957 (14 of 1957), shall be deemed to be registered graduates of the University constituted under this Act.

76. *First Statutes and Ordinances.*—Notwithstanding anything contained in this Act the first statutes and the first ordinances of the University shall be made by the Government.

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77. *Removal of difficulties.*—If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act, or otherwise in first giving effect to the provisions of this Act, the Government may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

78. *Repeal.*—The Kerala University Act, 1957 (14 of 1957), is hereby repealed.

Legislature Secretariat,

Trivandrum,

9th August 1968.

V. P. N. NAMBUDIRI,

Secretary,

Legislative Assembly.